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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,819	07/12/2007	Mitsuaki Oshima	49288.3100	1820

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EXAMINER

PHILIPPE, GIMS S

ART UNIT	PAPER NUMBER
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2485

MAIL DATE	DELIVERY MODE
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01/23/2012

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,819	Applicant(s) OSHIMA, MITSUAKI	
	Examiner GIMS PHILIPPE	Art Unit 2485	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-6,8-33,35-38 and 40-46 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☒ Claim(s) 34-42 is/are allowed.
- 7) ☒ Claim(s) 1,2,43 and 44 is/are rejected.
- 8) ☒ Claim(s) 3-6 and 8-33 is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Response to Amendment

1. Applicant's amendment received on November 22, 2011 in which claims 1-6, 8-33, 35-38 and 40-46 were amended, and claim 7 was canceled, has been fully considered and entered, but the arguments are moot in view of the new ground(s) of rejection.

Note: The examiner found a new prior art during an updated search. A non-final rejection is presented below in an effort to show how the claimed limitations are interpreted in light of the newly found reference.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 43, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanbara (US Patent no. 5689737) in view of Miyazawa (US Patent no. 5237365).

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Regarding claims 1-2 and 43-44, Kanbara discloses an image pickup circuit and apparatus comprising a shaking motion detection section for detecting a shaking motion of the image pickup apparatus and for outputting an shaking motion detection signal indicating the shaking motion of the image apparatus (See Kanbara col. 3, lines 62-67), an image forming section for forming an optical image by focusing light incident to the image pickup apparatus (See Kanbara col. 3, lines 36-38), an image pickup section for converting the optical image formed by the image forming section into electric video information (See Kanbara col. 5, lines 34-49 and col. 6, lines 8-15), and a locus calculation section for obtaining locus information indicating a locus of the shaking motion of the image pickup apparatus based on at least the shaking motion detection signal output from the shaking motion detection section (See Kanbara col. 3, lines 3-12 and col. 5, lines 12-17).

It is noted that Kanbara is silent about the locus calculating section wherein the section determines whether or not an amount of temporal change in the shaking motion of the image pickup apparatus is larger than a predetermined threshold value, and determines a number of samples in accordance with the determination result.

However, Miyazawa discloses an image pickup apparatus comprising a shaking motion detection section with a locus calculating section for obtaining locus information indicating a locus of the shaking of the image pickup apparatus, and wherein the locus calculating determines whether or not an amount of temporal change in the shaking motion of the image pickup apparatus is larger than a predetermined threshold value, and determines a number of samples in accordance with the determination result (See

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Miyazawa Figs. 2A-2B and 3A-3B, col. 4, lines 25-38, col. 7, lines 17-29, lines 66-68 and col. 8, lines 1-14).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Kanbara' shaking motion detection section of the image pickup apparatus by incorporating Miyazawa's teachings where the locus calculating section determines whether or not an amount of temporal change in the shaking motion of the image pickup apparatus is larger than a predetermined threshold value, and determines a number of samples in accordance with the determination result. The motivation for performing such a modification in Kanbara is to repeatedly detecting shaking of the camera in a sampling time interval shorter than a hand shaking cycle as taught by Miyazawa (See Miyazawa col. 1, lines 54-58).

4. Claims 3-6, 8-33 and 45-46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 34-42 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIMS PHILIPPE whose telephone number is (571)272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gims S Philippe
Primary Examiner
Art Unit 2485

/G. P./
/Gims S Philippe/
Primary Examiner, Art Unit 2485